

35

AMENDMENT TO H.R. 4137, AS REPORTED
OFFERED BY MR. SOUDER OF INDIANA

Page 28, after line 16, insert the following new section and (redesignate succeeding sections accordingly):

1 SEC. 103. STUDENT SPEECH AND ASSOCIATION RIGHTS.

2 Section 112 (20 U.S.C. 1011a) is amended—

3 (1) by amending subsection (a) to read as follows:
4

5 “(a) PROTECTION OF RIGHTS.—

6 “(1) It is the sense of Congress that no student
7 attending an institution of higher education on a
8 full- or part-time basis should, on the basis of participation in protected speech or protected association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity,
9
10
11
12
13 or division of the institution directly or indirectly receiving financial assistance under this Act, whether
14
15 or not such program, activity, or division is sponsored or officially sanctioned by the institution; and
16
17 “(2) It is the sense of Congress that—

1 “(A) the diversity of institutions and edu-
2 cational missions is one of the key strengths of
3 American higher education;

4 “(B) individual colleges and universities
5 have different missions and each institution
6 should design its academic program in accord-
7 ance with its educational goals;

8 “(C) within the context of its institutional
9 mission, a college should promote intellectual
10 pluralism and facilitate the free and open ex-
11 change of ideas;

12 “(D) students should not be intimidated,
13 harassed, discouraged from speaking out, dis-
14 criminated against, or subject to official sanc-
15 tion because of their personal political, ideolog-
16 ical, or religious beliefs; and

17 “(E) students should be treated equally
18 and fairly, including evaluation and grading,
19 without regard to or consideration of their per-
20 sonal political views or ideological beliefs.

21 “(3) Nothing in paragraph (2) shall be con-
22 strued to modify, change, or infringe upon any con-
23 stitutionally protected religious liberty, freedom, ex-
24 pression, or association.”; and

1 (2) in subsection (b)(1), by inserting after
2 “higher education” the following: “, if the imposition
3 of such sanction is done objectively, fairly, and with-
4 out regard to the student’s personal political, ideo-
5 logical, or religious beliefs”.